IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 2316 of 2007(A)

PETITIONERS:

1.E.K.SASIDHARAN, S/O.KUMARAN,
ELAVUMKUDY HOUSE, VALAYANCHIRANGARA P.O.,
PERUMBAVOOR-683 556, (RETD.CONDUCTOR,
K.S.R.T.C.DEPOT, PERUMBAVOOR).

2.C.K.PRASADAN, S/O.VISWAMBARAN,
CHAMBUSSERY HOUSE, CHETTIKKAD, KUNJITHAI (PO),
NORTH PARAVOOR, (RETD.CONDUCTOR,
K.S.R.T.C.DEPOT, PERUMBAVOOR).

3.M.P.MATHAI, S/O.PAILY,
MOOSSAPPILLY HOUSE, KOTTAPPADY P.O.,
KOTHAMANGALAM, (RETD.CONDUCTOR,
K.S.R.T.C.DEPOT, PERUMBAVOOR).

4.P.M.ALIYARKUNJU, S/O.MOIDEEN,
PUTHIYEDATHU HOUSE, PANIPRA P.O.,
ERUMALAPPADY, KOTHAMANGALAM, (RETD.CONDUCTOR,
K.S.R.T.C.DEPOT, PERUMBAVOOR).

BY ADV. SRI.K.S.AJAYAGHOSH

RESPONDENTS:

1.KERALA STATE ROAD TRANSPORT
CORPORATION, CHIEF OFFICE, TRANSPORT BHAVAN,
THIRUVANANTHAPURAM REP. BY ITS MANAGING DIRECTOR.

2.THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
CHIEF OFFICE, TRANSPORT BHAVAN,
THIRUVANANTHAPURAM.

3.STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF
TRANSPORT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

R1-R2 BY ADV.MR.JOHNSON P.JOHN, S.C.
R3 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.2316 of 2007

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Dated: 19th January, 2007

JUDGMENT

Adv.Mr.Johnson P.John, Standing Counsel takes notice on behalf of the K.S.R.T.C.

2. The grievance of the petitioners is that the provisional service which they had rendered with the Corporation prior to their regularisation is not being taken into account for the purposes of increments and pensionary benefits. The issue is obviously covered by the Division Bench decision of this court in **Idicula Abraham v. K.S.R.T.C. & Others** (2005(2) K.L.J. 602). Accordingly, the Writ Petition will stand allowed. There will be a declaration that the petitioners are entitled for counting the provisional service rendered by them in the Corporation along with their regular service for the purpose of quantifying pension and pensionary benefits. There will be a direction to respondents 1 and 2 to disburse to the petitioners all the pensionary benefits including monthly pension, commuted value of pension and D.C.R.G. by reckoning the service rendered by them as provisional employees in the Corporation. All monetary benefits flowing out of the above declaration and direction will be released by respondents 1 and 2 to the petitioners at the earliest and at any rate within two months of receiving a copy of this judgment. But as

regards the amounts payable by way of D.C.R.G. and Commuted Value of Pension the Corporation can follow the guidelines formulated in pursuance to the judgment of the Division Bench of this court in W.A.No.289/2001.

srd **PIUS C.KURIAKOSE, JUDGE**